

REMARKS

I. The Objections to Claims 1-20,22-31 and 33-36

The Examiner requests that the Applicant revise the claims to substitute the words --Internet site name-- for the words “Internet site”. However, Applicant believes the claims already reflect these changes. Nonetheless, if the Examiner points out those claims that need to be revised the Applicant will do so.

II. The Section 103 Rejections of Claims 1-15 and 37-40

Claims 1-15 and 37-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peercy et al., U.S. Patent No. 5,960,429 (“Peercy”) in view of Doyle, U.S. Patent Publication No. 2002/0099807 (“Doyle”) and in further view of U.S. Patent No. 6,826,652 (“Chauvel”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Initially, Applicant notes that the Examiner does not appear to have addressed the shortcomings of Chauvel raised by the Applicant in his last response.

More specifically, in the last response Applicant pointed out that “each of claims 1-15 and 37-40 includes the feature of selecting an entry from a set of replaceable entries in [a] table, where the table includes both replaceable and irreplaceable entries, among other features.” Further, Applicant pointed out that “[w]hile Chauvel appears to disclose some type of irreplaceable entry (e.g., Chauvel’s “locked entries”) the excerpt cited by the Examiner does not discuss replaceable entries.” As important, Applicant noted “that Chauvel explicitly states that a cache system that uses such locked entries is undesirable because it further reduces the efficiency of a cache. Said another way, Chauvel explicitly teaches away from using irreplaceable and/or

replaceable entries to operate a cache.” Again, in contrast, claims 1-15 and 37-40 are directed at a novel method of using replaceable and irreplaceable entries to operate a cache.

As far as the Applicant can tell the Examiner has not addressed these shortcomings of Chauvel. Applicant presumes, therefore, that his position is persuasive and, accordingly, respectfully requests withdrawal of the rejections and allowance of claims 1-15 and 37-40.

III. The Rejection of Claims 16-20, 22-31, 33-36 and 41-42

Claims 16-20, 22-31, 33-36 and 41-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peercy, in view of Doyle and in further view of Swildens, U.S. Patent Publication No. 2001/0034772 (“Swildens”).

Applicant reiterates his position from earlier responses that Swildens does nothing to make up for the deficiencies of Peercy and Doyle. That is, Swildens does not disclose a table which includes both replaceable and irreplaceable entries as in the claims of the present invention.

Accordingly, Applicant respectfully requests withdrawal of these rejections and allowance of claims 16-20, 22-31, 33-36, and 41-42.

IV. Further Comments Regarding Claims 38, 40 and 42

Initially, Applicant notes that these claims depend on claims 1 and 16 and are allowable over Peercy combined with Doyle for the reasons set forth above.

In addition, as pointed out in Applicant’s earlier response, each of these claims includes the feature of an audio file, cached resource. In the final Office Action the Examiner takes the position that an excerpt from Peercy (column 2, lines 19-31) discloses a “multimedia file” which, in turn, is a disclosure of the claimed audio file. However, this excerpt from Peercy is totally

silent with respect to either a multimedia or audio file. Instead, this excerpt discusses “bookmarking” of URLs of web sites. There is no mention or suggestion of a cached audio file.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 38, 40 and 42.

V. Entry of this Request for Reconsideration (“Request”) is Appropriate

Entry of this Request is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _____

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